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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/998,347	SUWANDA ET AL.	
	Examiner	Art Unit	
	BIJENDRA K. SHRESTHA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-17 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/20/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 03/10/2008, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691

Priority

Acknowledgement is made of applicant's claim for foreign priority to Canadian application 2327156 filed on 11/30/200 under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-17 and 20 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, *or* composition of matter, *or* any new and useful improvement thereof" (emphasis added).

The applicants claims mentioned above are intended to embrace or overlap *two* different statutory classes of invention as set forth in 35 USC 101.

As per claims 1-10, the claims begin by discussing a computer system (ex. claim 1: a computer system for defining a set of electronic catalogs ….), but the dependent claim 10 recites a computer program product comprising a computer readable medium. As per claims 11-17 and 20, the claims begin by discussing a method (ex. claim 11: a method for defining and displaying a set of electronic catalogs ….), but the dependent claims 15-20 recites a computer program product (see below rejection of claims under 35 USC 112, second paragraph, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11-14 recite a process comprising the steps of investing, selecting, and arranging. Based on Supreme Court precedent, a proper process must be tied to another statutory class or transform underlying subject matter to a different state or thing (*Diamond v. Diehr,* 450 U.S. 175, 184 (1981); *Parker* v. *Flook,* 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson,* 409 U.S. *63,* 70 (1972); *Cochrane* v. *Deener,* 94 U.S. 780,787-88 (1876)). Since neither of these requirements is met by the claim, the method is not considered a patent eligible process under 35 U.S.C. 101. To qualify as a statutory process, the claim should positively recite the other statutory class to which it is tied, for example by identifying the apparatus (e.g. computer)that accomplished the method steps or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 and 15-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claim 10 is not sufficiently precise due to the combining of two separate statutory classes (system and computer program product) of invention in a single claim. The independent claim 1 recites as a system but the dependent claim 10 recites computer program product.

B. Claims 15-20 are not sufficiently precise due to the combining of two separate statutory classes (method and computer program product) of invention in a single claim. The independent claim 11 recites as computer readable medium but the dependent claims 15-20 recites computer program product.

C. Claims 1-10 is further rejected for not meeting structural requirement under means plus function issue of USC 112 sixth paragraph and second paragraph. Claim 1 recites "a computer system comprising means for generating...., and means for traversing... "without disclosing any structure in the specification to perform those functions.

The scope of a means plus function limitations has to be defined by structure disclosed in the specification plus any equivalent of that structure. In the absence of structure disclosed in the specification to perform those function, the claim limitation would lack specificity, rendering the claim as a whole invalid for indefiniteness under USC 112, second paragraph (see Aristocrat Technologies Australia (ATA) v. International Gaming Technology (IGT) (2007-1419) (Fed. Cir. 2008) --- March 31, 2008).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-17 and 20 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hare et al., U.S. Patent No. 6,850,900 (reference A in attached PTO-892).

7. As per claim 1, Hare et al. teach a computer system for defining a set of electronic catalogs for a defined product universe (see Fig. 1 and 2),

each of the catalogs in the set having an associated contract (see Fig. 11J), users of the electronic catalogs each being associated with one of the contracts (see Fig. 1; column 2, lines 38-42; column 9, lines 26-45, 66-67 to column 10, lines 1-2, lines 32-35; column 16, lines 16-27);

each catalog having a unique catalog identifier (see Fig. 6L; where catalog identifier is BCB0513) and

each contract having a unique contract identifier (see Fig. 11Q; where unique contract # is TOC-0003),

the computer system comprising

means for generating, storing and maintaining a graph representing the electronic catalogs (see Fig. 1; Content Transform Application (16), Content Management Application (18) and Database (20); column 9, lines 46-67 to column 10, lines 1-16);

each node in the graph containing data (see Fig. 11A-Q for contract node data; Fig. 12 A-J for category and product node data; and Fig. 15A-G for catalog node data); and

each edge in the graph connecting two nodes and being associated with one or more catalog or contract identifiers (see Fig. 11 J, 11 L for catalogs; where contract catalog is associated with gc-sab-0600, cabinet, ms-cabinets, and scott ; Fig. 12C for catalog (TPN(296)) and categories (absorber, bits, batteries etc.); Fig. 12D for category (Spring Clamp) and products (different types of Spring Clamp); Fig. 12E detailed information of a products (under contract scott_3-11-2000);

means for traversing the graph in response to user requests, the traversal of the graph being constrained by the catalog or contract identifiers associated with the edges in the graph (see Fig. 14; column 21, lines 29-55)); and

means for displaying to the user the data at reached nodes in the graph traversal (see Fig. 3; where Presentation (50) in GUI provides means for displaying data at reached nodes).

8. As per claim 2, Hare et al. teach claim 1 as described above. Hare et al. further teach the computer system in which the nodes comprise contract nodes, catalog nodes, category nodes, product nodes and price nodes, in which

child nodes for contract nodes comprise catalog nodes (see Fig. 11 J);

a catalog node may have alternatively, child category nodes or child product nodes (see Fig. 15B (category node); Fig.15C and Fig. 15E (product node) for Master catalog);

child nodes for category nodes comprise product nodes (see Fig. 7A);

child nodes for product nodes comprise price nodes, and in which each parent node has a potential plurality of child nodes (see Fig. 12D; where product node (Spring Clamp) has child nodes as contract price and supplier price; There are five categories of Spring Clamp).

9. As per claim 3, Hare et al. teach claim 2 as described above. Hare et al. further teach the computer system in which

each edge between a contract node and a catalog node is associated with a contract identifier (see Fig. 9; Fig. 11J-L);

each edge between a catalog node and a category node is associated with a catalog identifier (see Fig. 7A; each edge is associated with catalog identifier TPN (16378) of Master catalog);

each edge between a category node and a product node is associated with a catalog identifier (see Fig. 7B; each edge is associated with catalog identifier TPN (17378) of Master catalog); and

each edge between a product node and a price node is associated with a contract identifier (see Fig. 12D; each edge is associated with Buyer Contract # scott_3-11-2000).

10. As per claim 4, Hare et al. teach claim 3 as described above. Hare et al. further teach the computer system in which the

means for traversing the graph comprises means for traversing an edge in response to a user request only (see Fig. 9) when

either the contract identifier for the contract with which a user is associated (see Fig. 25A) or

the catalog identifier for the catalog with which the user's contract is associated matches the identifier associated with that edge in the graph (see Fig. 11A-11J; where means for traversing an edge is created for contract # 0020 so that user can only access catalogs as shown in Fig. 11J).

11. As per claim 5, Hare et al. teach claim 2 as described above. Hare et al. further teach the computer system in which

each contract node comprises associated contract information and time interval attributes (see Fig. 11A; Fig. 11Q),

each product node comprises an associated product identifier attribute (see Fig.12E); and

each price node comprises associated amount, currency and effective date attributes (see Fig. 12E; where detailed price information for product: Spring Clamp- 3" is displayed).

12. As per claim 6, Hare et al. teach claim 1 as described above. Hare et al. further teach the computer system in which

the graph is represented by a relational database table (see Fig. 2; where database server receives information and transmits information to application server; relationship among the nodes and edge are shown tabular format; Examiner interprets the graph is represented by relational database table).

13. As per claim 7, Hare et al. teach claim 2 as described above. Hare et al. further teach the computer system in which

a catalog node may have child catalog nodes (see Fig. 9; column 10, lines 11-14; column 16, lines 60-67).

14. As per claim 8, Hare et al. teach claim 2 as described above. Hare et al. further teach the computer system in which

a category node may have child category nodes and in which each edge between a category node and a category node is associated with a catalog identifier (see Fig. 6N where Master catalog with catalog identifier TPN (16378) has child category node “Abrasives”; Abrasives also holds following child category nodes which is different types of Abrasives: Disks, Emery Cloth, Grinding Stone, Grinding Wheel, Mounted Wheels and so on.. which is associated with catalog TPN (16378)).

15. As per claim 9, Hare et al. teach 1, 2, 3, or 4 as described above. Hare et al. further teach the computer system comprising a graphical user interface tool

for presenting a master catalog to a catalog author (see Fig. 15 A; Fig. 15B; column 21, lines 63-66);

for permitting the catalog author to filter the nodes and edges in the master catalog, and to define new nodes and edges to create a new catalog (see Fig. 15C; Fig. 15D; column 21, lines 66-67; column 22, lines 1-6).

16. As per claim 10, Hare et al. teach claim 1, 2, 3, 4, 5, 6, 7 or 8 as described above. Hare et al. further teach a computer program product for defining a set of electronic catalogs, the computer program product

comprising a computer usable medium having computer readable code means embodied in said medium (see column 11, lines 49-55 ; where Java, JavaScript, XML, EJB code are used by the system); and

comprising computer readable program code means for implementing the computer system of claims 1 , 2 , 3 , 4 , 5 , 6 , 7 or 8 (see Fig. 1; column 9, lines 26-45).

17. As per claim 11, Hare et al. teach a method for defining and displaying a set of electronic catalogs for a defined product universe (see Fig. 1 and 2), each of the catalogs in the set having an associated contract (see Fig. 11J), users of the electronic catalogs each being associated with one of the contracts (see Figs. 25 A-F), each catalog having a unique catalog identifier (see Fig. 6L; where catalog identifier is BCB0513) and each contract having a unique contract identifier (see Fig. 11Q; where unique contract # is TOC-0003), the method comprising the following steps:

generating, storing and maintaining a graph representing the electronic catalogs (see Figs. 7A-C; column 16, lines 16-28);

each node in the graph containing data (see Fig. 11A-Q for contract node data; Fig. 12 A-J for category and product node data; and Fig. 15A-G for catalog node data); and

each edge in the graph connecting two nodes and being associated with one or more catalog or contract identifiers (see Fig. 11 J, Fig. 11 L for catalogs; Fig. 12C for catalog and categories; Fig. 12D for category and products (or items); Fig. 12E detailed information of a products (under contract scott_3-11-2000));

traversing the graph in response to user requests, the traversal of the graph being constrained by the catalog or contract identifiers associated with the edges in the graph (see Fig. 1; column 16-35); and

displaying to the user the data at reached nodes in the graph traversal (see Fig. 3; where Presentation (50) in GUI provides means for displaying data at reached nodes).

18. As per claim 12, Hare et al. teach claim 11 as described above. Hare et al. further teach the method in which the nodes comprise contract nodes, catalog nodes, category nodes, product nodes and price nodes, in which

child nodes for a contract node comprise catalog nodes(see Fig. 11 J);

a catalog node may have alternatively, child category nodes or child product nodes (see Fig. 15B (category node); Fig.15C and15E (product node) for Master catalog));

child nodes for category nodes comprise product nodes (see Fig. 7A);

child nodes for product nodes comprise price nodes, and in which each parent node has a potential plurality of child nodes (see Fig. 12D; where product node (Spring Clamp) has child nodes as contract price and supplier price; There are five categories of Spring Clamp). .

19. As per claim 13, Hare et al. teach claim 12 as described above. Hare et al. further teach the method in which

each edge between a contract node and a catalog node is associated with a contract identifier (see Fig. 9; Fig.11J-L);

each edge between a catalog node and a category node is associated with a catalog identifier (see Fig. 7A; each edge is associated with catalog identifier TPN (16378) of Master catalog);

each edge between a category node and a product node is associated with a catalog identifier (see Fig. 7B; each edge is associated with catalog identifier TPN (17378) of Master catalog); and

each edge between a product node and a price node is associated with a contract identifier (see Fig. 12D; each edge is associated with Buyer contract # scott_3-11-2000).

20. As per claim 13, Hare et al. teach claim 12 as described above. Hare et al. further teach the method in which the step of traversing the graph comprises the step of

comparing the contract identifier for the contract with which a user is associated (see Fig. 25A) or

the catalog identifier for the catalog with which the user's contract is associated and the identifier associated with a reached edge in the graph and further comprises the step of traversing that reached edge only when the comparison shows a match condition (see Fig. 11A-11J; where means for traversing an edge is created for contract # 0020 so that user can only access catalogs as shown in Fig. 11J).

21. As per claim 15, Hare et al teach claim 11, 12, 13, or 14 as described above. Hare et al. further teach a computer program product for defining and displaying a set of electronic catalogs, the computer program product comprising a computer usable medium having computer readable code means embodied in said medium, comprising computer readable program code means for carrying out the method (see column 11, lines 49-55; where Java, JavaScript, XML, EJB code are used by the system).

22. As per claim 16, Hare et al. teach claim 15 as described above. Hare et al. further teach the computer program product wherein said computer readable code means comprises

a computer readable signal and said medium comprises a computer readable signal-bearing medium (see Fig. 2; column 11, lines 62-67; column 12, lines 1-2; where communication access via Internet and system dedicated access through signal readable medium Cisco Router 2700 is displayed).

23. As per claim 17, Hare et al. teach claim 16 as described above. Hare et al. further teach the computer program product wherein

said medium is a recordable data storage medium (see Fig. 3; column 12, lines 29-31, 40-41; where data is stored in computer and application database).

24. As per claim 20, Hare et al. teach claim 11, 12, 13 or 14 as described above. Hare et al. further teach the computer program product comprising

computer program code means adapted to perform all the steps when said program is run on a computer system (see Fig. 1; column 49-52).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Barnes et al. (U.S. Patent No. 5,970, 475) teach electronic procurement system and method for trading partners.

Baumann et al. (U.S. Patent No. 7,082,408) teach system and method for ordering items using electronic catalog via Internet.

Blutinger et al. (U.S. Patent No. 5,231,566) teach method and apparatus for producing catalog.

Fohn et al. (U.S. Patent No. 6,460,025) teach intelligent exploration through multiple hierarchies using entity relevance.

Hamrick (U.S. Patent No. 5,451,998) teaches home shopping video catalog.

Johnson et al. (U.S. Patent No. 6,055,516) teach electronic sourcing system.

Povilus (U.S. Patent No. 5,740,425) teaches data structure and method for publishing electronic and printed product catalogs.

Rofrano (U.S. Patent No. 6,035,283) teach method and apparatus for producing catalog.

Wolin (U.S. Patent No. 6,751,600) teaches method for automatic categorization of items.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 7:00AM-4:30PM (Monday-Friday); 2nd Friday OFF. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691

bks/3691